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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**  
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9 Richard C. Carrier,

No. CV-19-02719-PHX-JJT

10 Plaintiff,

**ORDER**

11 v.

12 Amy Elizabeth Frank,

13 Defendant.  
14

15 The Federal Rules of Civil Procedure and the Local Rules of Civil Procedure apply  
16 to all proceedings in this case. Pursuant to Rule 4(m) of the Federal Rules of Civil  
17 Procedure, you must serve each Defendant in your case with the Summons and Complaint  
18 **within 90 days** from the date the Complaint is filed, unless you obtain a waiver of service  
19 pursuant to the requirements of Fed. R. Civ. P. 4(d). If, for good reason, you cannot serve  
20 your Summons and Complaint on a Defendant within 90 days, you may, prior to the  
21 expiration of the 90-day period, file with the Court a request for an extension of time in  
22 which to serve your Summons and Complaint. In that request, you should set forth the  
23 reason why you have not accomplished service and request a specific short period of time  
24 in which to accomplish such service on any Defendant. If the Court believes your reason  
25 constitutes “good cause” it will authorize a brief additional period in which you can then  
26 serve the Defendant.

27 If you do not obtain an extension and any Defendant named in your Complaint is  
28 not served within 90 days, the Court is obliged, after notice to you, to dismiss the Complaint

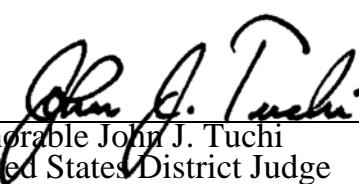
1 without prejudice (meaning that your Complaint is dismissed but you may refile the  
2 Complaint in a new action if you wish to do so).

3 The only way that the Court knows that you have served the Defendant is that, the  
4 person who serves the Defendant with the Summons and Complaint is required, according  
5 to the rules, to file an affidavit with the Court which proves that the Defendant was served  
6 in compliance with Fed. R. Civ. P. 4(l). Therefore, you need to be sure that, prior to 90  
7 days from the date on which you filed your Complaint, whoever serves the Summons and  
8 Complaint on each Defendant files an affidavit with this Court demonstrating that they  
9 accomplished proper service.

10  
11 **THIS CONSTITUTES YOUR NOTICE UNDER RULE 4(m) THAT IF**  
12 **YOU HAVE NOT APPROPRIATELY SERVED ANY DEFENDANT**  
13 **WITHIN 90 DAYS FROM THE FILING OF YOUR COMPLAINT**  
14 **THAT DEFENDANT WILL BE DISMISSED WITHOUT**  
15 **PREJUDICE FROM YOUR LAWSUIT.**

16 IT IS HEREBY ORDERED directing the Clerk of Court to terminate **any or all**  
17 Defendants in this matter, without further notice, that have not been served within the time  
18 required by Fed. R. Civ. P. 4(m) on **July 29, 2019**.

19 Dated this 13th day of May, 2019.  
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23 Honorable John J. Tuchi  
24 United States District Judge  
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